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<b>Notice of Allowability</b>	Application No.	Applicant(s)	
	10/675,337	JENNINGS, BINA R.	
	Examiner	Art Unit	
	Ginger T. Chapman	3761	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**  
 All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 2/9/06.
2. ☒ The allowed claim(s) is/are 16, 17, 19 and 21-26.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

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|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments, see p. 1, paragraph 4 to p. 2, paragraph 1, filed 9 February 2006, with respect to claim 16 have been fully considered and are persuasive. The rejection of claim 16 has been withdrawn.

### ***Withdrawn objections***

The objection to the specification made of record in p. 4 of the previous Office action is withdrawn due to Applicants' amendment to the disclosure.

The objection to claim 16 made of record in p. 4 of the previous Office action is withdrawn due to Applicants' amendment to the claim.

## **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ashkan Najafi on 24 April 2006.

The application has been amended as follows:

Claims 22-26 are added as follows:

Claim 22. The kit of claim 21, wherein said sterilizing substance comprises antibiotic ointment.

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Claim 23. The kit of claim 21, wherein said sterilizing substance comprises peroxide.

Claim 24. The kit of claim 21, wherein said sterilizing substance comprises alcohol.

Claim 25. The kit of claim 16, wherein said sterilizing substance comprises peroxide.

Claim 26. The kit of claim 16, wherein said sterilizing substance comprises alcohol.

The following is an examiner's statement of reasons for allowance:

The closest prior art of record discloses the following elements:

Karos et al (US 4,497,402) teaches an apparatus for cleaning pierced body parts including a length of string. Attached to the end of the string is a firm tip which may be of a hard fibrous or plastic material. The tip may either be a separate element attached to the string or may be a section of the string which has been made to be firm, such as by the application of a liquid material which thereafter hardens. The string is approximately six inches in length and the tip is approximately one inch in length. The tip is also smaller in cross section than the string and the tip cross section is approximately the same as that of a needle. A continuous string weakened in the areas adjacent the tips is also disclosed, the continuous string is pulled through a hole of a dispenser until one of the tips is immediately adjacent a gripping device. The string is then pulled until the gripping device breaks off a new segment and thereafter used. Karos does not teach applicators and does not teach applicators having an inner surface and opposed end portions being open and having substantially equal diameters into which the floss is inserted and passed through.

Petrus (US 5,954,682) teaches tubular open ended applicators for treating infections of the ear canal and ear drum, the applicator including a spherical or conical porous media, i.e. a

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tampon attached to a withdrawal string or cord, intended for long term placement against the lining of the ear canal. Petrus does not teach floss including a plurality of perforations spaced along a length thereof and sized to clean pierced body parts.

Waters et al (US 6,358,221) discloses a kit for cleaning pierced body parts including a cleaning string threaded through the eye of a "C" shaped stainless steel insertion tool. The insertion tool includes one closed end and an opposed end in the form of an eye through which the string is threaded. The closed end includes a firm fibrous material or plastic cover which is sleeved and crimped into which the main body of the insertion tool is fitted and attached, and the opposed end having a threading eye through which the string is threaded. Waters does not teach a plurality of applicators having opposed end portions being open into which the floss is inserted and passed through and does not teach a floss including a plurality of perforations spaced along a length thereof.

While the prior art of record discloses flosses for cleaning pierced body parts, none disclose or fairly suggest a kit having floss including a plurality of perforations spaced along a length thereof in combination with a plurality of applicators having opposed end portions being open and having substantially equal diameters as recited in independent claims 16 and 21 such that the plurality of perforations spaced along the length of the floss allow a user to separate the floss at predetermined lengths prior to inserting the length of floss into the open ended tubular applicator housing. These features render the claimed invention non-obvious over the prior art of record. Claims 17, 19 and 22-26 are allowable as being dependent from independent claims 16 and 21.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ginger T. Chapman whose telephone number is (571) 272-4934. The examiner can normally be reached on Monday through Friday 8:30 a.m. to 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on (571) 272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ginger Chapman  
Examiner, Art Unit 3761  
04/24/06

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TATYANA ZALUKAEVA  
SUPERVISORY PRIMARY EXAMINER

